

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA

Richmond Division

MITCHELL PERKINS,

Plaintiff,

v.

Case No. 3:10CV00449

THE BANK OF NEW YORK MELLON, et. al.,

Defendants.

**MOTION TO DISMISS**

Defendants, the Honorable Joi Taylor and the Commonwealth of Virginia, by counsel and pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6), move this Court to dismiss plaintiff's amended petition, the grounds for which are set forth in the Memorandum of Law in Support filed herewith.<sup>1</sup>

**I. ROSEBORO V. GARRISON NOTICE AND WARNING**

Notice to *pro se* Plaintiff. Defendants, by counsel, warn you of the following:

- 1) You are entitled to file a response opposing this motion. A response must be filed within **twenty days** of the date on which this motion was filed;
- 2) The Court may dismiss your case if you do not file a response;
- 3) You must identify all facts in this motion with which you disagree. You must set forth your version of the facts by offering affidavits (written statements signed

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<sup>1</sup> Judge Taylor has not been properly served in this matter as is reflected in her Motion to Quash. The Commonwealth has not been served at all, but waives formal service in an effort to expedite these proceedings.

before a notary public and under oath) or by filing sworn statements (bearing a certificate that it is signed under penalty of perjury); and

4) You are entitled to file a legal brief in opposition to the one filed by Defendants.

Respectfully submitted,

THE HONORABLE JOI TAYLOR and the  
COMMONWEALTH OF VIRGINIA

By: \_\_\_\_\_/s/\_\_\_\_\_  
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CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of August, 2010, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, and I hereby certify that I mailed the document by U.S. mail to the following non-filing user:

Mitchell Perkins  
4307 Third St.  
Richmond, VA 23221  
*Pro se plaintiff*

By: \_\_\_\_\_/s/\_\_\_\_\_  
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